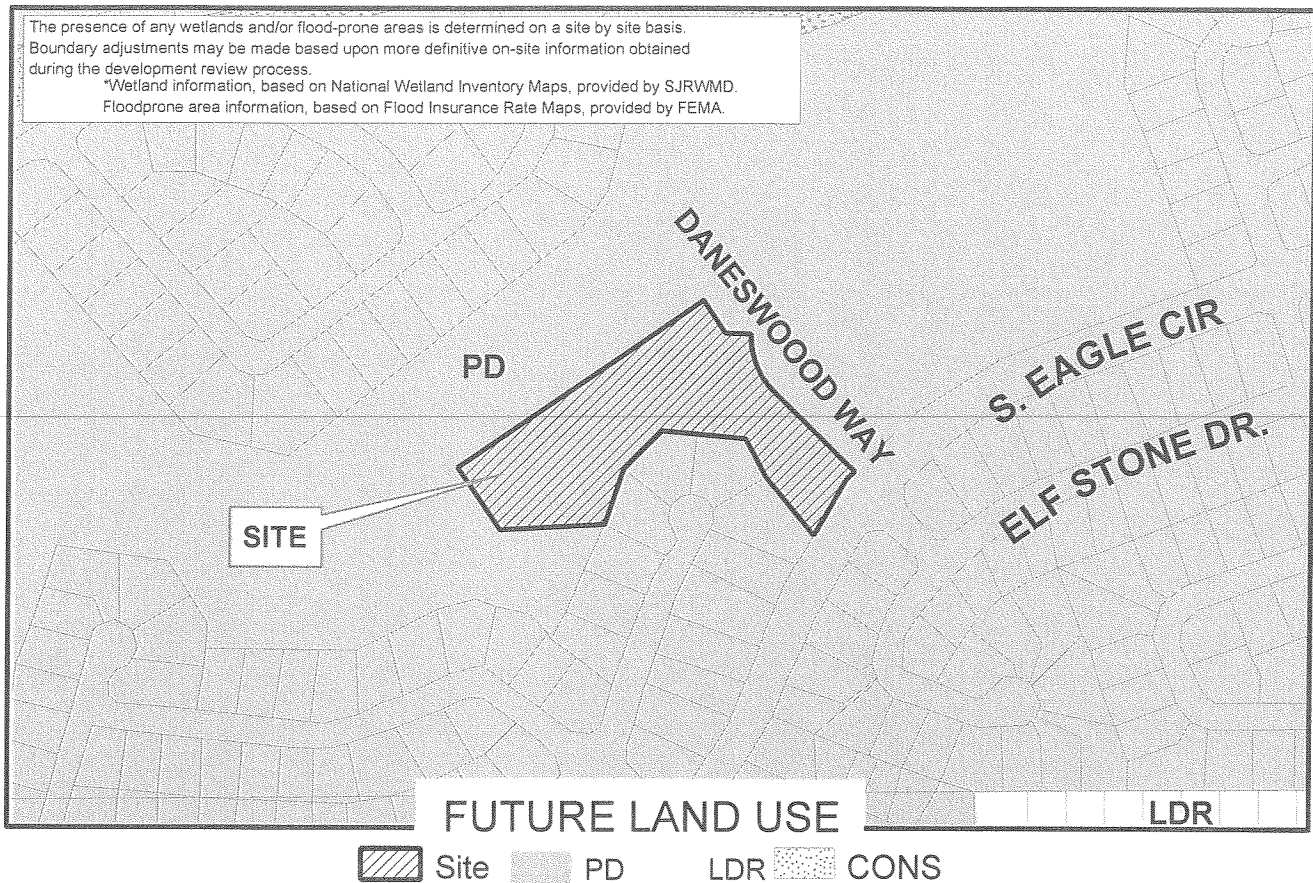


Deer Run PUD Major Amendment
Agenda Memorandum

Staff Recommendation:

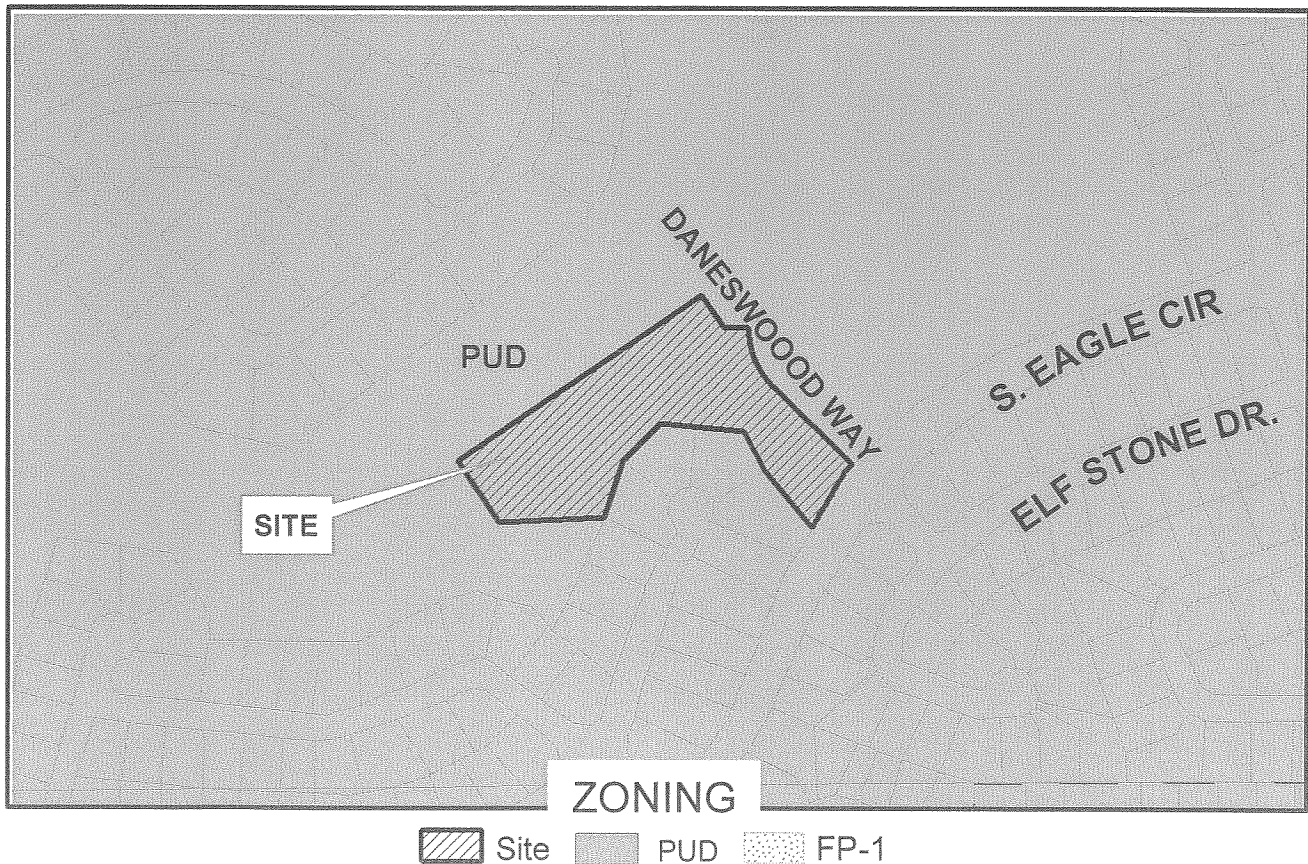
Staff recommends APPROVAL of the requested major PUD amendment subject to the attached Addendum #8 to the Developer's Commitment Agreement.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Applicant: Thomas Daly, Daly Design Group
 Physical STR: 15-21-30-300-0010-0000
 Gross Acres: +/- 3.65 BCC District: 1
 Existing Use: Golf Course
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-002	PUD	PUD





Rezone No: Z2004-002
From: PUD To: PUD

 Parcel
 Subject Property



February 1999 Color Aerials

DEER RUN PUD MAJOR AMENDMENT

APPLICANT:	Thomas Daly				
PROPERTY OWNER:	Golf Enterprises of Central Florida				
REQUEST:	Major PUD Amendment				
HEARING DATES(S):	P&Z:	8/4/04	BCC:	9/14/04	
PARCEL ID NO.:	Parcel to be changed to townhouses: 15-21-30-300-0010-0000				
PROJECT LOCATION:	Deer Run PUD is located on the north side of Red Bug Lake Road, between South Winter Park Drive and Tuskawilla Road; 3.6 acres proposed for townhouses is located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse.				
APPROXIMATE SIZE:	3.6 acre tract to be changed from golf training center to townhouses, 1038.3 acres in the entire Deer Run PUD				
FUTURE LAND USE:	PD (Planned Development)				
ZONING:	PUD (Planned Unit Development)				
FILE NUMBER:	Z2004-02				
COMMISSION DISTRICT:	District 1—Commissioner Maloy				

OVERVIEW

Zoning Request: The applicant, Thomas Daly, requests a major amendment to the existing Deer Run PUD agreement, which consists of converting 3.6 acres of the vacant golf course training center to townhouses. The 3.6 acres proposed for townhouses are located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

The subject property is currently designated as part of the golf course and clubhouse under the original PUD agreement that was approved in 1981. The applicants want to convert approximately 3.6 acres of property that now contains a vacant golf training center into a 28 unit townhouse project. The project is proposed at a net buildable density of 9.96 units per acre. In order to ensure compatibility between the townhouses and the single-family houses to the south, staff is recommending the following conditions of approval, which are contained in the attached Addendum #8: a 50' building setback shall be required from the property line of any single-family lot, a 15' landscape buffer with a 6' PVC fence shall be required along the south property line with the existing vegetation to be preserved to the maximum extent possible, as determined by the Planning Manager, and balconies shall be prohibited in the rear of buildings along the south property line adjacent to the single-family residential.

The entire Deer Run PUD contains 1038.30 acres. The Seminole County Land Development Code requires a PUD to have 25% open space, which is a minimum of 259.57 acres in the Deer Run PUD. Currently, the PUD contains approximately 265.71

acres of open space. If the 3.6 acres are converted from open space to townhouses, there would still be 262.11 acres of open space in the entire PUD, which is greater than the required 25%.

The following table summarizes the existing surrounding zoning and Future Land Uses:

<i>Direction</i>	<i>Zoning</i>	<i>FLU</i>	<i>Current Use</i>
Site	PUD (Planned Unit Development)	PD (Planned Development)	Vacant Golf Training Center
North	PUD (Planned Unit Development)	PD (Planned Development)	Golf Course
East	PUD (Planned Unit Development)	PD (Planned Development)	Golf Course
South	PUD (Planned Unit Development)	PD (Planned Development)	Single-family Residential
West	PUD (Planned Unit Development)	PD (Planned Development)	Golf Course

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

Water and Sewer:

Water and sewer services are provided to the subject property by Seminole County.

Compliance with Environmental Regulations:

Prior to approval of final engineering plans, the developer will be required to comply with the environmental regulations contained within the Seminole County Land Development Code. At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development:

The existing PUD zoning classification and the PD future land use designation are compatible with the surrounding land use designations. The proposed townhouse use is compatible with the other residential uses within the PUD, if the conditions of approval contained within Addendum #8 are implemented.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested major PUD amendment, subject to the attached Addendum #8 to the Developer's Commitment Agreement.

ADDENDUM #8

Deer Run and Country Club Planned Unit Development

The Deer Run and Country Club Planned Unit Development dated July 7, 1981, as amended, is hereby further amended as follows:

On September 14, 2004 the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property, known as Deer Run Unit 30:

I. The following additions and deletions are made to the Land Use Table (strikethroughs are deletions, underlines are additions):

Land Use Classification	Acres	Units	DU/Acre	<u>DU/Net Buildable Acres</u>
<u>Townhomes</u>	<u>3.6</u>	<u>28</u>	<u>7.78</u>	<u>9.96</u>
Golf Course	146.21 <u>142.61</u>			

II. The following additions and deletions are made to the Tract Breakdown Table (strikethroughs are deletions, underlines are additions):

Tract Breakdown	Type Construction	Units	Density	<u>Net Buildable Density</u>	Acres
<u>Deer Run Unit 30</u>	<u>Townhomes</u>	<u>28</u>	<u>7.78</u>	<u>9.96</u>	<u>3.6</u>
<u>TOTAL</u>		<u>2,917</u>	<u>5.54</u>		<u>880.69</u>

The following shall apply to Deer Run Unit 30 (Deer Run Villas) described in Exhibit A:

1. **LEGAL DESCRIPTION:**

See Exhibit A

2. **MASTER PLAN**

See Exhibit B

3. **PROPERTY OWNERS**

Golf Enterprises of Central Florida Inc.
109 Commerce Street, Suite 1101
Lake Mary, Florida. 32746

4. **OPEN SPACE AND RECREATION AREAS**

Total Residential Land Area:	3.6 acres
Required Open Space:	.90 acres
Open Space Provided:	.90 acres

5. **MINIMUM BUILDING SETBACKS FROM PROPERTY LINES**

North Property Line:	10'
East Property Line	10'
South Property Line (except where adjacent to a single-family lot)	25'
South Property Line (adjacent to a single-family lot)	50'
West Property Line	20'

6. **MINIMUM BUILDING SETBACKS ON LOTS**

Front:	26'
Side:	0'
Rear:	10'

7. **MINIMUM SEPARATION BETWEEN BUILDINGS**

20'

8. **SETBACKS FOR ACCESSORY STRUCTURES**

The following minimum building setbacks shall apply to accessory structures associated with the townhouse units:

Pools, and other accessory structures: Side - 5 foot, Rear – 5 foot
Screen enclosures: Side - 3 foot, Rear – 3 foot

9. **MAXIMUM BUILDING HEIGHT**

35'

10. **MINIMUM UNIT SIZE**

1,000 square feet of living area.

11. **PERMITTED USES**

Attached Single-family Dwelling Units
Single Family Homes
Home Offices and Home Occupations

12. LANDSCAPE & BUFFER CRITERIA

At the time of Final Master Plan approval, the developer shall demonstrate how they are saving 25% of the existing trees onsite.

South Property Line (adjacent to the single-family residential)

- Minimum 15-foot landscape buffer and a 6' PVC Fence.
- The existing vegetation shall be saved to the maximum extent possible as determined by the Planning Manager. Any trees saved shall count towards tree removal mitigation requirements.

North Property Line

- Minimum 5' landscape buffer
- The existing vegetation shall be saved to the maximum extent possible as determined by the Planning Manager. Any trees saved shall count towards tree removal mitigation requirements

All landscape buffers and common areas shall be maintained by a homeowners association.

13. ARCHITECTURAL STANDARDS

Architectural renderings shall be provided at the time of Final Master Plan approval.

Second-story balconies, patios, porches, terraces, catwalks, or any architectural structure deemed to be similar by the Planning Manager shall be prohibited in the rear of buildings along the south property line adjacent to the single-family residential.

14. WATER, SEWER AND FIRE PROTECTION

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrant shall be located according to Seminole County regulations.

15. PHASING

The development will be constructed in one phase.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE

By: _____

Daryl G. McLain
Chairman, Seminole County Board of Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Golf Enterprises of Central Florida Inc., on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

Witness

Print Name

Witness

Print Name

By: _____
Robert Dello Russo, Manager of Golf Enterprises of
Central Florida Inc.

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, Robert Dello Russo, Manager of Golf Enterprises of Central Florida, Inc. who is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

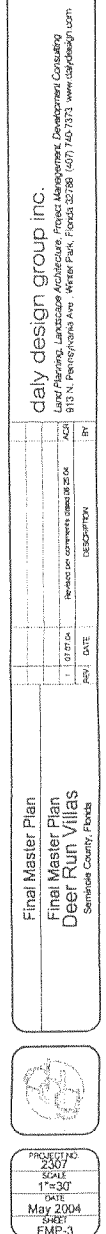
WITNESS my hand and official seal in the County and State last aforesaid this _____
day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Begin at the most Easterly corner of Lot 15, Deer Run Unit - 8 "A" Plat Book 26, Pages 89 through 90, Official Records of Seminole County, Florida. Said point also being on the Westerly right-of-way line of Eagle Circle Drive; thence departing said Westerly right-of-way line run North 35°12'21" West along the Northerly line Lot 15 and Lot 16 of said Plat for a distance of 229.50 feet to the most Northerly corner of Lot 16 of said Plat; thence run North 89°48'18" West along the Northerly line of said Lot 16 and Lot 17 of said Plat to the most Northerly corner of said Lot 17; thence run South 45°46'17" West along the Northwesterly line of said Lot 17 for a distance of 100.00 feet to the Northwesterly corner of Lot 18 of said Plat; thence run South 17°59'23 West along the Westerly line of Lot 18 for a distance of 114.98 feet to the Southwest corner of said Lot 18; thence departing said corner of said Plat run North 89°46'06" West for a distance of 222.88 feet; thence run North 34°17'02" West for a distance of 146.55 feet; thence run North 55°42'58" West for a distance of 577.64 feet; thence run South 34°17'02" East for a distance of 77.68 feet; thence run South 88°26'57" East for a distance of 50.00 feet to a point of curvature of a curve concave to the East having a radius of 150.32 feet, thence run Southeasterly along said curve through a central angle of 47°13'04" for an arc distance of 123.88 feet; thence run South 45°40'01" East for a distance of 244.87 feet to a point of curvature of a curve concave to Southeast having a radius of 819.33 feet; thence run Southwesterly along said curve and aforesaid Westerly right of way line of Eagle Circle Drive through a central angle of 10°08'32" for an arc distance of 145.03 feet to the aforesaid POINT OF BEGINNING.



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD ZONING CLASSIFICATION THE PUD ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Deer Run PUD Major Amendment"

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from PUD to PUD:

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing by the Department.

ENACTED this 14th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A LEGAL DESCRIPTION

Begin at the most Easterly corner of Lot 15, Deer Run Unit - 8 "A" Plat Book 26, Pages 89 through 90, Official Records of Seminole County, Florida. Said point also being on the Westerly right-of-way line of Eagle Circle Drive; thence departing said Westerly right-of-way line run North 35°12'21" West along the Northerly line Lot 15 and Lot 16 of said Plat for a distance of 229.50 feet to the most Northerly corner of Lot 16 of said Plat; thence run North 89°48'18" West along the Northerly line of said Lot 16 and Lot 17 of said Plat to the most Northerly corner of said Lot 17; thence run South 45°46'17" West along the Northwesterly line of said Lot 17 for a distance of 100.00 feet to the Northwesterly corner of Lot 18 of said Plat; thence run South 17°59'23 West along the Westerly line of Lot 18 for a distance of 114.98 feet to the Southwest corner of said Lot 18; thence departing said corner of said Plat run North 89°46'06" West for a distance of 222.88 feet; thence run North 34°17'02" West for a distance of 146.55 feet; thence run North 55°42'58" West for a distance of 577.64 feet; thence run South 34°17'02" East for a distance of 77.68 feet; thence run South 88°26'57" East for a distance of 50.00 feet to a point of curvature of a curve concave to the East having a radius of 150.32 feet, thence run Southeasterly along said curve through a central angle of 47°13'04" for an arc distance of 123.88 feet; thence run South 45°40'01" East for a distance of 244.87 feet to a point of curvature of a curve concave to Southeast having a radius of 819.33 feet; thence run Southwesterly along said curve and aforesaid Westerly right of way line of Eagle Circle Drive through a central angle of 10°08'32" for an arc distance of 145.03 feet to the aforesaid POINT OF BEGINNING.